

ISSUES IN SPECIAL EDUCATION

Recent Issues to Consider

1. District's Responsibility to Get the Child to School
(RI Due Process Case)
2. District's Responsibility to child parentally placed in a private school
(Recent developments to RIGL 16-24-1 (b))
(See R. Doe v Foster School Committee, August 26, 2011)
3. Attorney's Fees – When can the District Recover?
Regulations 300.517
Frivolous, unreasonable or without foundation
Cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation
4. Section 504/Title II of the ADA
Expanding IDEA
Higher standard
See S.S. v City of Springfield, Mass., 115 LRP 54517 Neighborhood School
Issue - Due process vs Title II complaint

IDEA mandates the provision of a “free appropriate public education”.
Title II requires district to provide “an opportunity to participate in or benefit from the aids, benefits, or services” provided by the district that is “equal to” the opportunity provided to nondisabled students.

Money damages – intentional discrimination
5. DCYF Placements – RIDE decisions

You Be The Judge